

MINUTES OF THE TOWN COUNCIL

Town Hall Council Chambers

June 18, 2007

Present: Michael Smart, President
Paul J. Leary, Vice-President
Jack Carey
Kenneth DiFazio
Thomas J. Lacey
Arthur Mathews
Michael Molisse
Patrick O'Connor
Greg Shanahan

Not Present: Jane Hackett, Chief of Staff
Susan Kay
Kevin Whitaker

Also Present: Franklin Fryer, Town Clerk
George Lane, Town Solicitor
Richard Swanson, Town Auditor
Maureen Duffy, Town Auditor
James Wilson, Chief Financial Officer

Recording Secretary: Janet Murray

President Smart called the Town Council Meeting to order at 7:30pm.

ANNOUNCEMENTS

Tribute to Richard Swanson/Town Auditor - Council President Michael Smart

President Smart stated that this evening will be the last meeting for our first town auditor; Richard Swanson, who is retiring. President Smart read a citation in recognition of Mr. Swanson. He was also presented with a Town of Weymouth tile.

Councilor Molisse announced that the Fourth of July festivities will be held on Saturday 6/30/07 beginning at 5pm. Bands will play from 6pm-9pm with fireworks at approximately 9:30pm. There will be free bus transportation from the Whipple Center. For information call 781-340-2133.

Councilor Mathews announced that the Whitman's Pond Association will hold its Fishing Festival on Saturday 7/14/07 beginning at 10am.

MINUTES

Ordinance Committee Meeting Minutes-5/23/07

A MOTION was made by Councilor Leary to ACCEPT the minutes from 05/23/07 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes-5/24/07

A MOTION was made by Councilor Leary to ACCEPT the minutes from 5/24/07 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes-5/31/07

A MOTION was made by Councilor Leary to ACCEPT the minutes from 5/31/07 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Ordinance Committee Meeting Minutes-6/4/07

A MOTION was made by Councilor Leary to ACCEPT the minutes from 6/4/07 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Town Council Meeting Minutes- 6/4/07

A MOTION was made by Councilor Leary to ACCEPT the minutes from 6/4/07 and was seconded by Councilor Mathews.

Councilor O'Connor made a SUBSTITUTE MOTION to TABLE the minutes from 6/4/07 and was seconded by Councilor Shanahan and was UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes -6/5/07

A MOTION was made by Councilor Leary to ACCEPT the minutes from 6/5/07 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

07 106-Street Acceptance-Autumn Lane

A MOTION was made by Councilor Leary to REFER item number 07 106 to the Public Works Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 107-Street Acceptance-Chester Lane

A MOTION was made by Councilor Leary to REFER item number 07 107 to the Public Works Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 108-Street Acceptance-Danbury Road

A MOTION was made by Councilor Leary to REFER item number 07 108 to the Public Works Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 109-Street Acceptance-Derek Drive

A MOTION was made by Councilor Leary to REFER item number 07 109 to the Public Works Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 110-Street Acceptance-Jason Lane

A MOTION was made by Councilor Leary to REFER item number 07 110 to the Public Works Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 111-Street Acceptance-Lane Avenue

A MOTION was made by Councilor Leary to REFER item number 07 111 to the Public Works Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 112-Street Acceptance-Mary Rose Road

A MOTION was made by Councilor Leary to REFER item number 07 112 to the Public Works Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 113-Street Acceptance-Old Colony Drive

A MOTION was made by Councilor Leary to REFER item number 07 113 to the Public Works Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 114-Street Acceptance-Rindge Street

A MOTION was made by Councilor Leary to REFER item number 07 114 to the Public Works Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 115-Street Acceptance-Rustic Drive

A MOTION was made by Councilor Leary to REFER item number 07 115 to the Public Works Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 116-Street Acceptance-Springvale Circle

A MOTION was made by Councilor Leary to REFER item number 07 116 to the Public Works Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 117-Street Acceptance-Woodside Path

A MOTION was made by Councilor Leary to REFER item number 07 117 to the Public Works Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 118-Reappropriation for Auction Expenses

Mr. Wilson stated that the Mayor requests same night action on this item. It is a request for \$20,000 for auction expenses: auctioneer and ancillary costs associated with the tax title auction set for July 2007. At the time of the submittal there was \$365,931 in the Contributory Retirement line item.

A MOTION was made by Councilor Leary to take item number 07 118 UNDER 2(9)B- same night action and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

A MOTION was made by Councilor Leary to APPROVE item number 07 118 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

07 119 Re-appropriation to Fire Department Overtime

Mr. Wilson stated that this is a request to re-appropriate \$50,000 from the Contributory Retirement Fund to the Fire Suppression and Rescue, Overtime.

Deputy Chief Jonathan Tose appeared before the Council. He stated that this money will be used to fund overtime through the end of the year.

A MOTION was made by Councilor Leary to TAKE UNDER 2(9)B ACTION item number 07 119 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Leary for FAVORABLE ACTION on item number 07 199 and was seconded by Councilor Molisse.

Councilor Mathews asked for clarification on the increase in ladders. Deputy Chief Tose stated that it is his understanding that the town will be at 3 engines and 2 ladders until July 1, 2007 due to vacation requests.

Councilor DiFazio asked what the budgeted overtime amount was. Mr. Wilson stated that the budgeted amount was \$430,750.

Councilor DiFazio asked why there was \$400,000 in the Contributory Retirement Fund. Mr. Wilson stated that the amount calculated is determined in December and the actual amount is determined in July; in reality there was a difference of \$365,000. Mr. Wilson also noted that the Retirement Board has done an excellent job at investing the funds so that the unfunded liability is decreasing.

Councilor DiFazio asked what happens to the remaining funds of \$270,000. Mr. Wilson stated that it is returned to Free Cash.

Councilor O'Connor asked if the plan is to go back to 4 engines and 1 ladder. Mr. Wilson stated that the goal is to be at 4 and 1, but one of the ladders is in need of repair and will be out of

service for at least a few days. In order to accommodate the added manpower, the additional funds are requested to cover the overtime needed to staff 4 engines and 1 ladder.

Deputy Chief stated that no station would be closed but Station 3 will have only a ladder truck.

The MOTION PASSED 8-1 (Councilor Lacey dissenting vote)

REPORTS OF COMMITTEES

Budget/ Management Committee – Chairman DiFazio

07 066-Fiscal Year 2008 Supplemental Budget Appropriation

This item was referred on 5/7/07. The Committee met on 5/15/07. This item was published on 5/25/07. A Public Hearing was held on 6/4/07. On 6/5/07 the committee met and voted 3-0 to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 066 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 094-Reappropriation-Council Recording Secretary

This item was referred on 5/21/07. The Committee met on 6/5/07. The committee voted 3-0 to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 094 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 095-Reappropriation from Insurance Consultant

This item was referred on 5/21/07. The Committee met on 6/5/07. The committee voted 3-0 to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 095 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 096-Donation Accounts-Norman M. Smith/Acceptance of Gifts

This item was referred on 5/21/07. The Committee met on 6/5/07. The committee voted 3-0 to recommend favorable action.

Councilor Leary stated that Mr. Smith worked in the Sewer Department prior to the formation of a Public Works Committee.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 096 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

07 097-Reappropriation-Police Department Overtime

This item was referred on 5/21/07. The Committee met on 6/5/07. The Committee voted 3-0 to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 097 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

07 098-Appointment to Fourth of July Committee-Sharon Morgan

This item was referred on 5/21/07. The Committee met on 6/5/07. The committee voted 3-0 to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 098 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

07 099-Appointment to Conservation Commission-John Thompson

This item was referred on 5/21/07. The Committee met on 6/5/07. The committee voted 3-0 to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 099 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

07 100-Reappointment of Town Clerk-Franklin Fryer

This item was referred on 6/4/07. The Committee met on 6/5/07. The committee voted 3-0 to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 100 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

07 101-Reappointment of Assistant Town Clerk-Kathleen Deree

This item was referred on 6/4/07. The Committee met on 6/5/07. The committee voted 3-0 to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 101 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

07 102-Appointment of Town Auditor-Maureen Duffy

This item was referred on 6/4/07. The Committee met on 6/5/07. The committee voted 3-0 to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 102 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

07 103-Appointment to the Board of Registrars-Michelle Cronin

This item was referred on 6/4/07. The Committee met on 6/5/07. The committee voted 3-0 to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 103 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

07 105-Reappropriation to Fire Department Overtime

This item was referred on 6/4/07. The Committee met on 6/5/07. The committee voted 3-0 to recommend favorable action.

Councilor Lacey requested what the year-to-date Fire Fighter Overtime Line Item is. Mr. Wilson stated that this week (week number 50) this line item has a deficit of \$11,311.

Councilor Lacey asked how much has been spent in overtime year-to-date. Mr. Wilson stated that the amount is \$462,061.74.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 105 and was seconded by Councilor Molisse and PASSED 8-1 (Councilor Lacey dissenting vote).

Councilor O'Connor clarified that this reappropriation is within the Fire Department budget.

Mr. Wilson stated that this is correct.

MOTIONS, ORDERS AND RESOLUTIONS

Ratification of Measure 07 024-Rezoning Request for 1132 and 1136 Middle Street

-Councilor Paul J. Leary

President Smart stated that this was previously voted, however, Solicitor Lane stated that more specific language is included indicating that the rezoning request is to change the zoning from R-1 to Highway Transition (HT). His legal opinion is to vote to reaffirm and ratify the previous vote.

A MOTION was made by Councilor Leary to take REAFFIRM the vote previously taken to change the zoning from R-1 to HT and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

Vote to Suspend Town Council Rule Number 24 (Council Meetings)-Councilor Paul J. Leary

A MOTION was made by Councilor Leary to EXERCISE Rule number 24 and was seconded by Councilor O'Connor.

Councilor Mathews stated that although it would seem that the Council is taking a vacation, this does not mean the Council will not meet in July and August. He noted that last summer there were three special meetings. He stated that exercising this rule allows flexibility in scheduling meetings.

Councilor DiFazio stated that the Council is ready, willing, and able to meet and to entertain any concerns such as the street acceptances, plans for Legion Field, or any other matter.

President Smart noted that if any measure is submitted to the Council, he will call a Special Town Council meeting. He also noted that any four (4) Councilors can call a Special Town Council meeting.

The MOTION passed UNANIMOUSLY.

Motion for Reconsideration of Measure 07 029-Bond Authorization for Extraordinary Repairs to Parks and Playgrounds-Councilor Kevin Whitaker

President Smart noted that Councilor Whitaker is not present this evening. As this item does not have a measure number, action is not necessary.

In response to a question by Councilor Lacey, President Smart stated that Robert's Rules of Order state that a motion for reconsideration can only be taken at the next meeting following the original vote. As Councilor Whitaker is not present, a vote was not taken.

ADJOURNMENT

At 8:15pm there being no further business, Councilor Leary MOTIONED to adjourn and Councilor O'Connor seconded and was UNANIMOUSLY VOTED.

Approved by: _____
Michael Smart, President